

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**JULIA JOHNSON, next friend of  
Julianus Johnson,**

**Plaintiff,**

**vs.**

**No. 08-CV-0936 JB/DJS**

**UNITED STATES OF AMERICA,**

**Defendant.**

**ORDER**

**THIS MATTER** comes before this Court upon following notification by the parties that they have reached a settlement.

Before approving a settlement on behalf of a minor child, the Court must ensure that the interests of the child will be adequately considered and protected. See Garrick v. Weaver, 888 F.2d 687, 693 (10th Cir. 1989)(Court has a general duty to protect the interests of infants and incompetents, from which duty flows Fed.R.Civ.P. 17(c)); see also United States v. Reilly, 385 F.2d 225, 228 (10th Cir. 1967)(With interests of minors at stake, trial judge has obligation to see that the children were properly represented by their representatives and by the court). In order to meet its obligation, the Court should hold a hearing regarding the settlement. Consequently, this matter will be set for a hearing before me to determine whether the settlement is in the best interests of the children. The children's representatives and counsel shall be prepared to address the terms of the settlement, including the propriety of any contingency fee arrangement. See Hoffert v. General Motors Co., 656 F.2d 161, 164-5 (5th Cir. 1981). In determining the reasonableness of a contingent

fee arrangement, the Court may consider such factors as the results obtained, the quality of the legal work, and whether the attorney's efforts substantially contributed to the results. Id. at 165-6. The child's representatives shall also be prepared to describe the needs of the child, the amount of money to go to the child, and how that money will be used.

**IT IS THEREFORE ORDERED** that a hearing to approve the settlement shall be held on Tuesday, November 24, 2009 at 1:00 p.m. in the second floor courtroom of the Federal Courthouse at 421 Gold, SW, Albuquerque, New Mexico. Lead trial counsel for Plaintiff and for Defendants, as well as the Plaintiff as the child's next friend, shall attend. Following the hearing, the undersigned will make a recommendation regarding the matter to the presiding judge.

  
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DON J. SVET  
UNITED STATES MAGISTRATE JUDGE